



General Assembly

Amendment

February Session, 2004

LCO No. 4202

HB0504404202HDO

Offered by:

REP. WALLACE, 109th Dist.

REP. FONTANA, 87th Dist.

SEN. FONFARA, 1st Dist.

SEN. FASANO, 34th Dist.

To: Subst. House Bill No. 5044

File No. 248

Cal. No. 190

**"AN ACT CONCERNING PLANS OF CONSERVATION AND
DEVELOPMENT."**

1 Strike section 7 in its entirety and substitute the following in lieu
2 thereof:

3 "Sec. 7. (NEW) (*Effective from passage*) (a) On and after July 1, 2010, a
4 zoning commission or combined planning and zoning commission
5 shall not approve a petition requesting a change in the zoning
6 regulations or boundaries of zoning district unless the planning
7 commission or combined planning and zoning commission determines
8 that such change is consistent with the map of the plan of conservation
9 and development, adopted by the municipality under section 8-23 of
10 the general statutes, as amended by this act, showing proposed land
11 uses and the recommendations of such plan concerning zoning, except
12 as provided in subdivision (2) of subsection (b) of this section and
13 subdivision (2) of subsection (c) of this section.

14 (b) (1) In the case of a petition to a zoning commission filed on or
15 after July 1, 2010, requesting a change in the zoning regulations or
16 boundaries, such zoning commission, not more than thirty-five days
17 after receiving the petition, shall submit the petition to the planning
18 commission for a determination of consistency with the plan of
19 conservation and development. Not more than thirty-five days after
20 receipt of the petition, the planning commission shall make a
21 determination on consistency of the petition with the map of the plan
22 showing proposed land uses and the recommendations of such plan
23 concerning zoning and shall notify the zoning commission of such
24 determination not more than thirty-five days thereafter. If the planning
25 commission determines the petition is not consistent with the plan of
26 conservation and development, the planning commission shall prepare
27 an amendment to the plan that would enable the planning commission
28 to determine the petition to be consistent with the amendment. Not
29 more than thirty-five days after such determination, the amendment
30 shall be prepared and submitted to the regional planning agency for
31 review and comment in accordance with subsection (f) of section 8-23
32 of the general statutes, as amended by this act. If either the zoning
33 commission or planning commission finds that a public hearing is in
34 the public interest or a petition was submitted to the planning
35 commission and signed by twenty per cent of the residents in the area
36 impacted by the proposal or by twenty per cent of the owners of lots
37 abutting such area, then the planning commission and the zoning
38 commission shall jointly conduct a public hearing on the amendments
39 not more than thirty-five days after making the finding or receiving
40 the petition. If a public hearing is held under this subsection, the
41 zoning commission shall not be required to hold a public hearing on
42 the petition under section 8-3 of the general statutes, as amended by
43 this act. Except as provided in this section, any public hearing and
44 decision shall be in accordance with the periods of time permitted
45 under section 8-7d of the general statutes, as amended, except that a
46 decision shall be rendered by the planning commission within thirty-
47 five days of completion of the hearing and the planning commission
48 shall notify the zoning commission of its decision not more than thirty-

49 five days thereafter. Notwithstanding the provisions of this subsection,
50 if the planning commission and the zoning commission jointly
51 determine, at any time after the petition is received, that such petition
52 would require changes to the plan of conservation and development
53 that would be a significant change to the policies and goals of the plan
54 of conservation and development, such planning commission shall
55 consider the proposal in accordance with the provisions of subsection
56 (f) of section 8-23 of the general statutes, as amended by this act.

57 (2) The planning commission may approve, deny or modify the
58 amendment. If the planning commission approves or modifies the
59 amendment, not less than thirty-five days after notification of such
60 action, the zoning commission shall determine that the petition to
61 change the zoning regulations or the boundaries of zoning districts is
62 consistent with the plan and may approve such petition. If the
63 planning commission denies the amendment to the plan of
64 conservation and development, the zoning commission shall reject the
65 petition to change the zoning regulations or the boundaries of zoning
66 districts. In any appeal of a decision made under this subdivision, the
67 provisions of this subdivision shall not affect the power of the Superior
68 Court in an appropriate case (A) to order a zoning commission to
69 change the zoning regulations or boundaries notwithstanding denial of
70 the amendment by the planning commission, or (B) to order a
71 planning commission to amend the plan of conservation and
72 development to be consistent with zoning regulations and boundaries.

73 (c) (1) In the case of a petition to a combined planning and zoning
74 commission filed on or after July 1, 2010, requesting a change in the
75 zoning regulations or boundaries, such commission, not more than
76 thirty-five days after receiving such petition, shall make a
77 determination on consistency of the petition with the map of the plan
78 of conservation and development showing proposed land uses and the
79 recommendations of such plan concerning zoning. If the commission
80 determines the petition is not consistent with the petition of
81 conservation and development, the commission shall prepare an
82 amendment to the plan that would enable the commission to

83 determine the plan to be consistent with the amendment. Not more
84 than thirty-five days after such determination, the amendment shall be
85 prepared and submitted to the regional planning agency for review
86 and comment in accordance with subsection (f) of section 8-23 of the
87 general statutes, as amended by this act. If the commission (A) finds
88 that a public hearing is in the public interest, or (2) a petition was
89 submitted to the commission and signed by twenty per cent of the
90 residents in the area impacted by the proposal or by twenty per cent of
91 the owners of lots abutting such area, then the commission shall
92 conduct a public hearing on the amendment not more than thirty-five
93 days after making the finding or receiving the commission. If a public
94 hearing is held under this subsection, the commission shall not be
95 required to hold a public hearing on the petition under section 8-3 of
96 the general statutes, as amended by this act. Notwithstanding the
97 provisions of this subsection, if the commission determines, at any
98 time after the petition is received, that such petition would require
99 changes to the plan of conservation and development that would be a
100 significant change to the policies and goals of the plan of conservation
101 and development, such commission shall consider the proposal in
102 accordance with the provisions of subsection (f) of section 8-23 of the
103 general statutes, as amended by this act. Except as provided in this
104 section, any public hearing and decision shall be in accordance with
105 the periods of time permitted under section 8-7d of the general
106 statutes, as amended, except that a decision shall be rendered by the
107 commission not more than thirty-five days after completion of the
108 public hearing.

109 (2) The planning and zoning commission may approve, deny or
110 modify the amendment. If the commission approves or modifies the
111 amendment it shall determine that the petition to change the zoning
112 regulations or the boundaries of zoning districts is consistent with the
113 plan and may approve such petition. If the commission denies the
114 amendment to the plan, the planning and zoning commission shall
115 reject the petition requesting a change to the regulations or boundaries
116 of zoning districts. In any appeal of a decision made under this

117 subdivision, the provisions of this subdivision shall not affect the
118 power of the Superior Court in an appropriate case to order a planning
119 and zoning commission (A) to change the zoning regulations or
120 boundaries notwithstanding denial of the amendment by the planning
121 commission, or (B) to amend the plan of conservation and
122 development to be consistent with zoning regulations and
123 boundaries."

124 Strike lines 575 to 596, inclusive, in their entirety and insert the
125 following in lieu thereof:

126 "Sec. 8. Subsection (b) of section 8-3 of the general statutes is
127 repealed and the following is substituted in lieu thereof (*Effective from*
128 *passage*):"

129 In line 887, strike "On or before January 1, 2005, and biennially
130 thereafter, the" and insert in lieu thereof "The"

131 In line 906, after "review" insert "when the state plan of conservation
132 and development is submitted to such committee in accordance with
133 section 16a-29 of the general statutes"

134 In line 908, strike "on or before February 15, 2005, and every five
135 years thereafter" and insert in lieu thereof "at the time said state plan is
136 submitted to the General Assembly under section 16a-30 of the general
137 statutes"

138 In line 917, strike "state" and insert in lieu thereof "head of a state
139 department, agency or institution, with the approval of the Secretary of
140 the Office of Policy and Management,"

141 In line 918, strike "if the head of the department, agency"

142 In line 919, strike "or institution providing such funding
143 determines" and insert in lieu thereof "upon determination"